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ABSTRACT

This brief paper uses a question-and-answer format to summarize requirements of the Americans with Disabilities Act (ADA) of 1990 related to employment of people with learning disabilities (LD) and attention deficit hyperactivity disorder (ADHD). Questions address the following topics: (1) what is meant by LD and ADHD; (2) eligibility requirements of these conditions under the ADA; (3) the need to provide job accommodations for people with LD and ADHD; (4) examples of appropriate accommodations, such as providing a visually organized environment for the individual with visual perceptual problems, encouraging use of tape recordings or "talking" computers for the individual with reading problems, and providing a private space for employees who are easily distracted; and (5) the role of employers in advancing the employee with LD or ADHD. A listing of six resources is provided. (DB)

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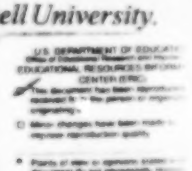
WORKING EFFECTIVELY WITH PEOPLE WHO HAVE LEARNING DISABILITIES AND ATTENTION DEFICIT HYPERACTIVITY DISORDER

This brochure was written by ***Dale S. Brown****, President's Committee on Employment of People with Disabilities, 1331 F Street, NW, Washington, DC 20004. For additional copies of this brochure, or others in the series, contact your Regional Disability and Business Technical Assistance Center by calling 1-800-949-4232, or write to the ILR Program on Employment and Disability at Cornell University.*



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What are Learning Disabilities and Attention Deficit Hyperactivity Disorder?

Learning disabilities and attention deficit hyperactivity disorder are related but different disabilities. Both are neurological in nature.

A learning disability may make it difficult for a person to receive information from his or her senses, process it, and communicate what s/he knows. The learning disability frequently causes severe difficulty in reading, writing, or mathematics. Many celebrities such as Susan Hampshire, Dexter Manley, Greg Louganis, Nelson Rockefeller have made public statements about their learning disabilities.

Attention deficit hyperactivity disorder (often shortened to attention deficit disorder or ADD) may make it difficult for an employee to sit calmly and give a task his or her full attention.

Both learning disabilities and attention deficit hyperactivity disorder (LD and ADD) affect 3 to 10% of the American work force. LD and ADD have been publicized extensively. Many students are diagnosed with these disabilities. As a result, today's employer often finds applicants and current employees who state that they have a LD or ADD. These workers are often intelligent, creative and productive. Hyperactivity, properly channeled, can enable the worker to finish projects swiftly. However, s/he may need reasonable accommodation to share his or her talents with employers.

Is There a Connection Between The Americans with Disabilities Act and People with Learning Disabilities or Attention Deficit Disorder?

The Americans with Disabilities Act (ADA) prohibits discrimination against people with disabilities. The term disability under the ADA refers to a person with "a) a physical or mental impairment that substantially limits one or more of the major life activities of such individual, b) a record of such an impairment or, c) being regarded as having such an impairment." Job applicants who have been through special education may not be discriminated against based on a school record of a disability. Employers may not discriminate against applicants with LD because of fears that they cannot read.

Both LD and ADD are considered physical or mental impairments. The term "Specific Learning Disabilities" is cited in the EEOC regulations implementing the employment provisions of the ADA (29 C.F.R. Part 1630). Frequently LD and ADD substantially limit one or more major life activities of the individual. Major life activities refers to functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning, and working. LD and ADD can affect all of these activities with the exception of breathing. But the impairment must be substantial. For example an employee whose auditory perception difficulty caused them to be unable to learn

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from lectures would be substantially limited. The inability to take excellent notes of a highly detailed, eight-hour technical discussion would not constitute a substantial impairment.

An individual's limitations must be caused by learning disability. Thus, an employee who is unable to read or write because he or she was never taught these skills and not because of a learning disability, would not be an individual with a disability under the ADA.

How Can a Person with LD and ADD be Accommodated?

Job accommodation begins with an examination of whether any adjustments or modification in the work environment or in the way things are customarily done are necessary to enable an individual with a disability to perform the essential functions of a particular job. Some people with LD and ADD do not need accommodation, because they have developed helpful strategies and made a good match between the job and themselves. Some people with ADD control their symptoms with medication.

However, a learning disability may interfere with the ability of the person to perform the essential functions of the job. In that case, the employer may need to accommodate the employee. The employee is your partner in job accommodation. First, ask them what they need to be the most productive. For example, what is the best way for you to communicate with them? In writing? Speaking? Both? If they need to learn a new process, do they prefer you to tell them, show them, or give them a manual? Flexibility and patience are crucial.

A typical but hypothetical story involves "Diedre", a writer for a major national corporation. She had mild dyslexia which caused her to reverse letters, words, and numbers. She was also hyperactive due to ADHD. Her coping strategy was to take breaks and walk once around the block. When she was wrestling with a tough writing problem, she took longer walks, since her hyperactivity made it difficult for her to think clearly about creative problems while sitting still.

Despite these challenges, she produced more work than her coworkers. Her supervisor, John, gave her the most complicated writing assignments he had. When John left for another job, Tom took over. Tom was concerned about Diedre's "typos." John had simply made the changes required and never bothered Diedre about it. In addition, Tom objected strongly to Diedre being "away from her desk." Diedre and Tom came into frequent conflict over these issues. After a month of difficulties, Diedre disclosed her learning disability to Tom through a memorandum that included medical documentation. Tom did not believe her. She appealed to Tom's boss who ignored the situation, refusing to meet with her or answer he memos.

Tom's apparent reluctance to accommodate Diedre's disability could be discriminatory under the ADA, unless the company could prove that providing the accommodation (which had been given to Diedre before) would result in undue hardship on the operation of the business.

In this story, Diedre did not pursue a complaint and was laid off one year later. Interestingly enough, Diedre was soon earning more than her old salary as a freelance writer. John, the first manager, never realized he was accommodating her disabilities. He felt he was simply doing what was necessary to help his employee be productive.

What are Some Accommodations for specific aspects of LD and ADD?

The employee has difficulty with visual perception (seeing). This employee needs neat and well organized surroundings. Color coded files may help to distinguish similar objects from each other. Some software has graphic symbols that refer to different operations but look alike. In that case, your system manager may be able to change the icons.

The employee has difficulty reading. This employee often "reads" printed matter by using "talking" computers and calculators. Another individual might read to them. They use tapes. They usually prefer verbal rather than written instructions. For people who read slowly, allow extra time. Let them know about the most important items to read. Tape written communications. Highlight pertinent information. Graphic presentations such as diagrams and flow charts may assist.

The employee has difficulty with auditory perception (hearing). This employee hears inaccurately and often can not understand a person who is speaking when there is background noise. Catch their eye before beginning the conversation. Talk to them in quiet places. Ask them to repeat what you said. If they take notes, allow them to finish writing before you continue talking. The supervisor must be sure the employee understands.

The employee has difficulty writing. This employee may find working with the supervisor on and outline of the assignment to be helpful. Computers can be crucial. Software which checks spelling and grammar is useful. Arrange to have someone proofread their work.

The employee does not manage their time well. Many LD and ADD employees lack an inner sense of time. The LD or ADD employee may come in late and work past breaks and quitting time. They have difficulty with deadlines. Consider flextime, unless coming in on time is essential to your work. Offer to remind them before deadlines. Buzzers, computer software with "reminder" features, and detailed scheduling are common ways to resolve these difficulties. The employee who comes in late but leaves on time may have a motivational problem.

The employee is easily distracted. Some employees, particularly with ADD, are not able to shift their attention at will. They may have extreme difficulties in an open space environment and need quiet to concentrate on their work. Accommodations have included allowing the employee to work at home on occasion, providing a private space, providing a quiet location, and allowing the employee to work at night and on weekends in return for time off during the busier days. These employees may find interruptions particularly problematic. Allow them to turn the telephone off and return calls later.

The employee is restless. Hyperactivity can make it difficult for some employees in sedentary jobs to stay at their work station. Usually, frequent short breaks solve this problem. Hyperactivity can be an advantage enabling the employee to work long hours and sustain an energetic pace.

How Can Employers Assist in the Advancement of People with Learning Disabilities and Attention Deficit Disorders in the Workplace?

People with learning disabilities and attention deficit disorders have the same desire and skills for promotions as your other employees. Sometimes, a person who is an excellent candidate for promotion will refuse it, because they are concerned about the reading and writing demands. In this case, accommodation can enable the employer to gain an excellent manager or supervisor. Care should be taken to assure that promotional examinations do not screen out employees with learning disabilities. People with LD and ADD often make excellent leaders. Their creativity and problem solving capacities can add tremendously to the bottom line of your company.

Resources

Learning Disabilities Association of America
4156 Library Road
Pittsburgh, PA 15234
(412) 341-1515

President's Committee on Employment of People with Disabilities
1331 F Street, N.W.
Washington, DC 20004
(202) 376-6200

Job Accommodation Network
West Virginia University
P.O. Box 6080
Morgantown, WV 26506-6080
(800) 526-7234

National Center for Law and Learning Disabilities
P.O. Box 368
Cabin John, MD 20818
(301) 469-8308

The Equal Employment Opportunity Commission, 1801 L Street, N.W., Washington, DC 20507, 800-669-4000 (Voice) to reach EEOC field offices; for publications call (800) 800-3302 or (800)-669-EEOC (voice/TTY).

ADA Regional Disability and Business Technical Assistance Center Hotline 800-949-4232 (voice/TTY).

This was written by ***Dale S. Brown,*** *author of Steps to Independence for People with Learning Disabilities. She has written over 100 articles on various aspects of employing people with learning disabilities. In 1994, she was selected by the International Jaycees as one of Ten Outstanding Young Americans, to honor her work as a leader in the self-help movement for people with learning disabilities.* *She would like to thank the following people for their assistance reviewing this document:*

Patricia Latham, JD, Founder and President, National Center for the Law and Learning Disabilities, and
Larry B. Silver, M.D., Author, The Misunderstood Child, Dr. Larry Silver's Advice to Parents on Attention-Deficit Hyperactivity Disorder.

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Cornell University is authorized by the National Institute on Disability and Rehabilitation Research (NIDRR) to provide information, materials, and technical assistance to individuals and entities that are covered by the Americans with Disabilities Act (ADA). However, you should be aware that NIDRR is not responsible for enforcement of the ADA. The information, material, and/or technical assistance is intended solely as informal guidance, and are neither a determination of your legal rights or responsibilities under the Act, nor binding on any agency with enforcement responsibility under the ADA.

In addition to serving as a National Materials Development Project on the Employment Provisions of the Americans with Disabilities Act of 1990, the *Program on Employment and Disability* also serves as the training division of the Northeast Disability and Business Technical Assistance Center. This publication is one of a series edited by Susanne M. Bruyère, Ph.D., C.R.C., Director of the ILR Program on Employment and Disability at Cornell University.

OTHER TITLES IN THIS *IMPLEMENTING THE ADA* SERIES ARE:

Working Effectively with People who are Deaf or Hard of Hearing

Working Effectively with People who are Blind or Visually Impaired

Working Effectively with Persons who have Cognitive Disabilities

Workplace Accommodations for Persons with Musculoskeletal Disorders

Working Effectively with Employees who have Sustained a Brain Injury

Employing and Accommodating Workers with Psychiatric Disabilities

Employing and Accommodating Individuals with Histories of Alcohol and Drug Abuse

Employment Considerations for People who have Diabetes

Accommodating the Allergic Employee in the Workplace

Causes of Poor Indoor Air Quality and What You Can Do About It

Working Effectively with People with Learning Disabilities

Working Effectively with Individuals who are HIV-Positive

These and other informational brochures can be accessed on the World Wide Web at:
www.ilr.cornell.edu/ped/ada

For further information about publications such as these, contact the ILR Program on Employment and Disability, Cornell University, 102 ILR Extension, Ithaca, New York 14853-3901; or at ***607/255-2906*** *(Voice),* ***607/255-2891*** *(TTY), or* ***607/255-2763*** *(Fax).*